

DECLARATION AND POWER OF ATTORNEY FOR ORIGINAL U.S. PATENT APPLICATION

Attorney's Docket No. 02-6037/LS11P218

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **MEMORY DEVICE HAVING AN ELECTRON TRAPPING LAYER IN A HIGH-K DIELECTRIC GATE STACK**, the specification of which,

(check one)

1. ☒ is attached hereto.
2. ☐ was filed on _____ as
U.S. Application No. _____
and was amended on _____.
3. ☐ was filed on _____ as
International PCT Application No. _____
and was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, CFR § 1.56.

Prior Foreign Application(s)

I hereby claim foreign priority benefits under Title 35, United States code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

			Priority Benefits Claimed?
			Yes ___ No ___
_____ (Application No.)	_____ (Country)	_____ (Filing Date)	
_____ (Application No.)	_____ (Country)	_____ (Filing Date)	Yes ___ No ___

Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

_____ (Application No.)	_____ (Filing Date)
_____ (Application No.)	_____ (Filing Date)

Prior U.S. Application(s)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

_____ (Application No.)	_____ (Filing Date)	_____ (Status - patented, pending, abandoned)
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_____ (Application No.)	_____ (Filing Date)	_____ (Status - patented, pending, abandoned)
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Power of Attorney

And I hereby appoint **LSI LOGIC CORPORATION** and all practitioners who are associated with the Customer Number 24319 as my principal attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Direct Correspondence To:**Customer Number: 024319****24319**

PATENT TRADEMARK OFFICE

Direct Telephone Calls To:**Timothy Croll at telephone number (408) 433-7625**

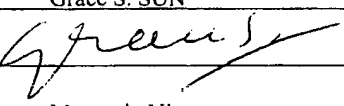
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Typewritten Full Name of

Sole or First Inventor: Sheldon ARONOWITZ Citizenship: USA

Inventor's signature: _____ Date of Signature: _____

Residence: (City) San Jose (State/Country) CA/USAPost Office Address: 3577 Barley Court, San Jose, California 95127-4401Second Inventor: Vladimir ZUBKOV Citizenship: USAInventor's signature:  Date of Signature: 07/02/03Residence: (City) Mountain View (State/Country) CA/USAPost Office Address: 2342 California Street, #9, Mountain View, California 94040

Third Inventor: Grace S. SUN Citizenship: Indonesia
Inventor's signature:  Date of Signature: 06/11/03
Residence: (City) Mountain View (State/Country) CA/USA
Post Office Address: 151 Calderon Avenue, #244, Mountain View, California 94041

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Aronowitz et al.

Attorney Docket No.:
02-6037/LSI1P218

Application No.: Not yet assigned

Examiner: Not yet assigned

Filed: Herewith

Group: Not yet assigned

Title: MEMORY DEVICE HAVING AN
ELECTRON TRAPPING LAYER IN A HIGH-K
DIELECTRIC GATE STACK

**DECLARATION OF FACTS IN SUPPORT OF APPLYING ON BEHALF OF OMITTED
INVENTORS**

Pursuant to 37 C.F.R. §1.47 (a)

Mail Stop Patent Application
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

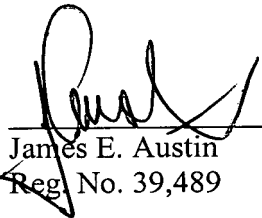
This declaration is made as to the facts that are relied upon to establish the diligent effort made to secure the execution of the Declaration for the above-identified patent application by the omitted inventor, Sheldon Aronowitz. This declaration is being made by an available person having first-hand knowledge of the facts recited therein.

I, James E. Austin, do hereby declare:

1. I am a patent attorney responsible for the preparation of the above referenced application. The application names three inventors, Sheldon Aronowitz, Vladimir Zubkov, and Grace S. Sun, all of whom were employed by LSI Logic Corporation ("LSI") at the time the invention of the subject application was made. During the course of the preparation of the subject application, the employment of Sheldon Aronowitz with LSI terminated.
2. During substantially the same period, our law firm, Beyer Weaver & Thomas, LLP, was engaged in the preparation of three other patent applications for LSI on which Mr. Aronowitz was named as a co-inventor.

3. On May 9, 2003, my assistant, Tara Hayden, sent letters to Mr. Aronowitz, relating to two of these three other applications, enclosing for each a copy of the completed application, a Declaration and Power of Attorney for Original U.S. Patent Application ("Declaration"), and an Assignment of Patent Application ("Assignment"), and requesting that the inventor sign the Declaration and Assignment for filing with the application in the U.S. Patent Office. A copy of one of Ms. Hayden's May 9, 2003 letters to the non-signing inventor, Mr. Aronowitz, is attached as Exhibit A, hereto.
4. On May 20, 2003, Ms. Hayden received a letter from Mr. Aronowitz in response to her letters of May 9, 2003. In his letter, Mr. Aronowitz indicated that he was returning the subject patent applications unread and unsigned and that he would only sign the Declaration and Assignment documents for the applications if a satisfactory arrangement could be reached between himself and LSI, his former employer.
5. On May 20, 2003, I forwarded a copy of Mr. Aronowitz's letter of May 19, 2003 to the LSI patent attorney responsible for these applications and the subject application, Timothy Croll, and notified Mr. Croll in a telephone conversation of Mr. Aronowitz's position. Mr. Croll indicated to me that LSI would attempt to reach a satisfactory arrangement with Mr. Aronowitz for execution of the Declaration and Assignment documents for all four of the applications involved.
6. From that time until the present I am informed by Mr. Croll that negotiations between LSI and Mr. Aronowitz have failed to achieve a satisfactory arrangement. Accordingly, Mr. Aronowitz has refused to sign the Declaration and Assignment documents for the subject application.
7. Mr. Aronowitz has assigned to LSI his interest in the invention described and claimed in the subject application pursuant to his employment agreement (Employee Invention and Confidential Information Agreement) dated February 16, 1993, a copy of which is attached hereto as Exhibit C.
8. Filing of the present application in a timely fashion is necessary to preserve the rights of the applicant, since a delay in filing could result in the application of intervening art against the application. Therefore, any further delay in filing the present application represents a risk to applicant's patent rights. Accordingly, the accompanying Petition for Application by Other Than All the Inventors is being filed together with the subject application in order to preserve the patent rights.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



James E. Austin
Reg. No. 39,489

October 31, 2003

Date